

Section 1 of Senate Bill 419, Acts 58th Legislature, Regular Session, 1963, Chapter 157, Page 443-444, by amending Section 1 of Article 3.71 of the Insurance Code of the State of Texas as contained therein to provide that two or more insurance companies are authorized to join together in organizations to offer, sell and administer hospital, surgical and medical insurance plans under a group policy covering residents of Texas sixty-five (65) years of age and older and their spouses; validating unincorporated associations, trusts and other associations heretofore formed; and providing that all persons licensed under Articles 21.07, 21.07-1, and 21.14 of the Insurance Code of the State of Texas be authorized to act on behalf of such organizations without the necessity of notifying the State Board of Insurance; providing a severability clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 11, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 200, An Act amending Chapters Five and Six of House Bill No. 29, Acts 58th Legislature, 1963, Chapter 113, Page 269, et seq., by deleting subsections (1), (2) and (3) of Section 5.05; by amending Section 6.08 thereof to specify how payments may be made on savings accounts in two or more names; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 11, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. J. R. No. 26, Proposing an amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications; elec-

tions, appointments, tenure of office and compensation; and prescribing the term of court of said court.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to the Governor

May 11, 1965

S. C. R. No. 46

S. C. R. No. 85

S. C. R. No. 86

S. C. R. No. 92

S. C. R. No. 98

S. C. R. No. 99

SIXTY-THIRD DAY

(Wednesday, May 12, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Parkhouse submitted the following report:

Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water

and Conservation, to which was referred S. B. No. 537, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PARKHOUSE, Chairman.

Senator Kazen submitted the following reports:

Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 37, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KAZEN, Chairman.

Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 13, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KAZEN, Chairman.

Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 38, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KAZEN, Chairman.

Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 65 have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KAZEN, Chairman.

Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 57, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KAZEN, Chairman.

Senator Blanchard submitted the following report:

Austin, Texas,
May 11, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 453, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BLANCHARD, Chairman.

Senate Resolution 662

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, John Key, son of Mr. and Mrs. Floyd Key of Meridian, Texas, personal friends of the distinguished Senator from Meridian; and

Whereas, The Senate of Texas welcomes this young Texan and desires to utilize the service of this fine young citizen while in our midst; now, therefore, be it

Resolved by the Senate of Texas, That John Key be and he is hereby designated as Honorary Page of the Senate.

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented John Key to the Members of the Senate.

Senate Bill 562 on First Reading

Senator Schwartz moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent

Hazlewood Spears

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Schwartz:

S. B. No. 562, A bill to be entitled "An Act relating to the testimony of a medical practitioner concerning the physical or mental condition of a person he has examined; and declaring an emergency."

To the Committee on Jurisprudence.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 118, Commemorating the 141st anniversary of the founding of the Town of Bédias, Grimes County, Texas.

H. C. R. No. 130, Expressing appreciation to the University of Texas' Department of Intramural Sports for Men in providing Guest Membership for Members of the Texas Legislature.

H. B. No. 79, A bill to be entitled "An Act amending Chapter 100, Acts 1957, Fifty-fifth Legislature, Regular Session, page 213, codified as Vernon's Annotated Civil Statutes, Article 6252-9, making additional requirements for reporting substantial

interests of employees of State agencies, legislators and legislative employees; prohibiting presentation of facts or argument to an administrative agency of this State except under conditions as herein provided; prohibiting officers and agents of a State agency for making investments causing a conflict of interests and further defining same; prohibiting legislators from representing clients before administrative agencies while legislation or appropriations are before the Legislature or committees affecting such agencies and providing remedies; prohibiting a Member of the Legislature from introducing or causing to be introduced proposed legislation which affects directly a client or employer of such Member; providing for severability; and declaring an emergency."

The House has adopted the Conference Committee Report on House Bill No. 12 by a vote of 116 ayes, 29 noes.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 141. House appoints the following: Moyer, Chairman; Blankenship, Rosson, Brown, Satterwhite.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Concurrent Resolution 101

Senator Dies offered the following resolution:

S. C. R. No. 101, Requesting Council of State Governments to initiate a study relative to advertising tourist attractions of the States in foreign news and communications media and report to National Governors' Conference.

Whereas, The United States Treasury Department is concerned about the balance of payments deficits occasioned by the spending of the United States government and its citizens in foreign countries;

Whereas, The United States State Department has considered various means for restricting expenditures of United States citizens abroad to achieve a more satisfactory balance of payments;

Whereas, One of the ways to achieve a more satisfactory balance of payments is to enlarge the number of

foreign tourists coming to the United States;

Whereas, The Olympic Games will be held in Mexico City in 1968;

Whereas, The HemisFair in San Antonio is also scheduled in 1968;

Whereas, All of the States of the United States have tourist attractions that would be of interest to foreign visitors;

Whereas, Tourism has a demonstrated economic value to the host State;

Whereas, Governor John Connally in his address to the Legislature recommended an interstate compact and indicated he will solicit support for a joint effort by all the States to advertise our respective attractions; and

Whereas, All of the States should band together to form an interstate compact for the promotion of their tourist attractions in foreign countries; now, therefore, be it

Resolved by the Legislature of the State of Texas, That the Council of State Governments of which Texas is a member, be requested to initiate a study to determine how the advertising of tourist attractions in the various States can best be achieved in foreign news and communications media, to examine the feasibility of an interstate compact to promote our tourist attractions in the several States and to make a report to the National Governors' Conference at its scheduled meeting July 26-29, 1965, in Minneapolis, Minnesota.

The resolution was read.

On motion of Senator Dies and by unanimous consent the resolution was considered immediately and was adopted.

Communication from the President of the United States

Senator Word by unanimous consent read the following communication received from the Honorable Lyndon B. Johnson, President of the United States in reply to Senate Resolution 504 adopted by the Senate on Tuesday, April 20, 1965, and it was ordered printed in the Senate Journal:

THE WHITE HOUSE
Washington

May 7, 1965.

My dear Dorsey:

When I received Senate Resolution 504, a lot of years swept through my memory. It's been a long trail from

my early youth in Texas, but you and other good friends have made the journey from Johnson City to Washington, D. C., full of good memories and bright promise.

You have been a loyal friend, Dorsey. If this letter does not adequately express my gratitude, it is because genuine appreciation defies the possibilities of prose.

Please tell every member of the Texas Senate who signed this resolution that my thanks go out to them for their generous and greatly appreciated declaration.

Sincerely,

LYNDON B. JOHNSON

Honorable Dorsey B. Hardeman,
The Senate of the State of Texas,
Austin, Texas.

House Bill 938 Re-referred

On motion of Senator Herring and by unanimous consent H. B. No. 938 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Departments and Institutions.

House Bill 507 Re-referred

On motion of Senator Blanchard and by unanimous consent H. B. No. 507 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Conference Committee on Senate Bill 141

The President announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 141: Senators Creighton, Calhoun, Herring, Parkhouse and Word.

Address of the Honorable Edward Clark Ordered Printed in Senate Journal

Senator Hazlewood asked unanimous consent to include the following address by Honorable Edward Clark in the Senate Journal, together with his introductory remarks.

The following address, delivered by Edward Clark, Esquire, of Austin, at Texas Southern University of Houston of which he is a trustee, on the theme of this year's Law Day is a noteworthy contribution in commemoration of the laws which make us

free men. The subject "Uphold the Law—A Citizens' First Duty" encompasses the individual's relationship to his government. This address reflects careful preparation and sound thinking. That a permanent recording thereof should be made, I ask unanimous consent that the same be included in the Senate Journal.

THE MEANING OF LAW DAY

An Address by Edward Clark to the
Students of Texas Southern
University Law School

April 30, 1965

Today has been designated Law Day, U.S.A., 1965. It is a day for celebration, a day for recognition of past accomplishments, a day for planning for the future. But most of all, it is, or should be, a day for rededication to the ideals of government through law.

This nation was founded upon the concept of government by and through law. The great precepts of such a government were set forth in the Declaration of Independence, elaborated in the Constitution and its amendments, and reiterated in the Constitutions of the several states. Under the fundamental law, the nation has grown and developed through the great body of state and federal statutory and common law. A democracy maintains itself by law. Respect for law is vital to the democratic way of life.

The motto for this year's Law Day is "Uphold the law—A Citizen's First Duty." As lawyers and lawyers-to-be, it is a motto worthy of adoption—not just for this day or for this year, but for all time to come. If those who work with the law do not believe in it, abide by it, respect it, and strive to uphold it, others cannot be expected to do so. Lawyers necessarily set the examples there—be it good or bad. It was in recognition of that fact that the tradition of an annual Law Day was established. Law Day honors lawyers, but it also places upon lawyers great obligation. That obligation, however, should be a welcome one for it carries with it tremendous opportunity to be of service to one's country and to one's fellow man, to be a leader in the continuing development of this nation and to contribute to a better way of life for all mankind.

You have chosen to be scholars of the law. Be the scholar always, true to the dreams and enthusiasm that fill your hearts today. A Scholar is not necessarily or even best typified by the academician in an ivory tower. The scholar is one who is skilled in the pursuit of truth, courageous in its acceptance, and adequate in persuasive power in whatever area he works.

The brightest pages of human history are those written by the scholar in politics. By politics is not meant vulgar pursuit of position in power but that greatest of all sciences—the government of men—the upbuilding of the nation. Love of country has been described as "the noblest emotion in the human mind. Synthetic in its nature, it takes from every passion its purer portion. As passionate as love, it is more unselfish. As tender as friendship, it is more enduring. With religion's faith it hath yet a broader charity. Under its sacred influence, the partisan becomes the patriot; the soldier, the hero; the scholar, the statesman; the prophet,

The nation whose public life is the seer."

not permeated with scholarship functions at low level. There is something wrong with both its administrative machinery and with its scholarship. Great wars and great battles mean nothing save for the ideas behind them. It matters little which army wins unless an idea has been established or destroyed.

The military battleground, however, is not the only or even the major arena in the conflict of ideologies. In the halls of Congress, in the Houses of all State Legislatures, in every county and municipal administrative body, the struggle between one idea—one concept—one goal—and another is constant. The same is true of the Courts, the council tables of industry, every institution, every organization which is truly alive and growing. Either positively or negatively, by action or inaction, by advocacy or acquiescence, everyone contributes at least minutely on one side or the other in some of these continuing conflicts of ideas.

The training which you are receiving here is fine equipment for active participation in any area and particularly in the most significant internal problems which face the nation at the

present time. These are times of great and perilous change, but if we allow partisan passion to control our actions and our minds, then we shall lose far more than we can ever gain. You as lawyers will be in a position that is both lofty and perilous. Your education, your technical skills, your higher mentality will enable you to command attention, to assume leadership in the movement for equal rights for the citizens of this country. The very same qualities—those which qualify you to become lawyers—officers of the court—place upon you responsibilities to your profession and to your nation, responsibilities summarized in the motto for Law Day—"Uphold the Law—a Citizen's First Duty."

The quest for equality and justice under the law is not new. It has been a constant struggle during the history of this nation. It was stated as a "self-evident truth" in our Declaration of Independence "that all men are created equal." Our Constitution was adopted "to . . . establish justice . . . and secure the blessings of liberty to ourselves and our posterity." The major and most fundamental feature of the form of government established in that Constitution was that it be a government of law.

Are these concepts irreconcilable? I think not. Unquestionably those of us who believe in the democratic process have been criticized by many both within and outside this country because prejudice and injustice, oppression and discrimination still exist in this land. The critics forget, however, that nowhere on the face of the earth are a man's individual liberties held more sacred than in the United States of America.

The American nation has not achieved in full the lofty ideals which it has set for itself, but criticism should not be meted out without concessions as to the great strides that have been made in the past century, the even greater accomplishments of the past decade.

It was only a little over a hundred years ago that human slavery was abolished in this country. As late as March, 1861, the Congress of the United States, in an attempt to appease the Southern states, proposed as the Thirteenth Amendment to the Constitution a provision reading:

"No amendment shall be made to

the Constitution which will authorize or give to Congress the power to abolish or interfere, within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state."

Did you know that that proposed amendment was ratified by three states, Illinois, Ohio and Maryland?

The Civil War, as you do well know, not only eradicated that proposed amendment but brought into the Constitution the three great amendments which have become the foundation of the rights and liberties of the citizens of the several states: the Thirteenth, abolishing slavery; the Fourteenth, insuring equal application of the law and due process of law to all citizens against any infringement by the States; the Fifteenth, guaranteeing the right to vote to all, regardless of race or color or creed.

The vision—the ideal—the goal of equality, justice, and liberty was again embodied in our fundamental law.

Realization has been tortuously slow. For that, we, the American people, cannot help but accept our full measure of censure. We must bear the stigma for failing promptly to insure that the rights and prerogatives of citizenship were extended to all citizens; for denying to many the dignity of free men; for neglecting to implement the intent of those great amendments.

We must agree that any man who has been denied his full measure of citizenship is justified in being impatient, but we cannot concede that his impatience, or even his denial of right, licenses him to disregard the very laws that insure his personal freedom.

Few and painfully slow though they were, some forward steps were taken during the period from 1765 to 1954. During that time of seeming inaction, the basic concepts underlying the great accomplishments of the past decade were solidified. Men, working together to solve their common problems, forgot their differences of race, religion and heritage. During this time, a resurgence of the concept of protection of individual rights and liberties occurred. Men became increasingly aware of their obligations to mankind.

The leaders were lawyers, and the basic advances were produced by the

courts, in the orderly process of democratic change rather than by bloody revolution. Schools have been desegregated. Discrimination in interstate transportation, in employment, in union membership, in a dozen aspects of life has been made unlawful. Businesses which hold themselves out to serve the public have been made to live up to their representations. Congress is working today on legislation designed to implement the intention of the Fifteenth Amendment, to insure that all citizens who so desire may exercise the right to vote their convictions.

Unquestionably progress has been made, but perfection has not been achieved. You and I may never see the full attainment of this goal, even in this country, for we must always remember that man is a frail and imperfect being. It is difficult for us to shuck off the stains of our mortality. Yet in our dual nature, we also possess that most sublime of all attributes, the ability to visualize perfection and to desire it. It is the gulf between a visualization and attainment with which we must contend, for we are bound up as human beings and Americans in the struggle for equality and justice under the law, and as lawyers in the equally important goal that our attainment must come about through the orderly processes inherent in our democratic system.

You, as lawyers, may be asked not only to advise but to participate in the struggle for equal rights, not only to be an advocate but to be an actor in the movement. Those lacking in perceptiveness, in wisdom, in the basic sense of responsibility, and in true understanding of the fundamentals of our government, may try to force you into rash actions, into using excesses for moderation. There may also be those who envy your position, your education, your superior grasp of the situation; they may try to discredit or destroy you. Others who bitterly oppose the struggle may do all in their power to render you ineffective, to debase and scandalize you.

Remember, however, that without our democratic system of government, the struggle, if it could take place at all, would be futile. Only in a government of law is equality meaningful, is justice attainable, or civil rights desirable. There can be no victory other than under the law.

As lawyers, you know the law's capacity for change. The Anglo-American system is certainly not perfect, being administered by men, but over the long-run, it has proven that it is best adapted to meeting the needs of free men, balancing the rights of the individual against the rights of society as a whole. And although it is men who administer the laws, it is the laws themselves which govern us. Let it always be so.

I beg you, therefore, to remember that you are lawyers before you are citizens, and that you are Americans before you are members of any minority, of any special interest group, of any movement. None of us would be anything without the American democracy under which we live and to which we owe so much.

There will be times when you will be tempted to ally yourself with any source of aid or assistance. Do not fall into the trap which those who do not love our American system have set. Avoid all who pervert our democratic heritage, who would defile our traditions of orderly and reasoned movement, for a small and often temporary gain. "Uphold the Law—a Citizen's First Duty."

This does not mean that you should not protest injustice with all the eloquence, with all the means at your disposal. Protest, the act of making your displeasure known, is an essential right of free men, guaranteed by the First Amendment to our Constitution. It is a powerful and persuasive weapon, when wisely and judiciously used within the law. But remember that the act of protest itself is but a means to accomplish a goal, and not an end in itself. Protest blindly made, or made for no good purpose, is not only foolish but detrimental to the cause for which you fight.

Furthermore, protest must be tempered with reason. The rights of the individual or of a group of individuals are not limitless. There is the greater right of the general public to orderly peace and freedom. Remember always that liberty is not absolute but must be exercised in recognition of the rights of others. Otherwise, liberty becomes license. "Uphold the Law—a Citizen's First Duty."

This does not mean that, when there is a conflict between two precepts of law, you should not take a reasoned stand on the side of the law which you deem to be correct. As lawyers, you know that there are vast

and complicated inconsistencies in the law. There is nothing wrong with siding with a federal concept against an opposite one held by a state so long as the opposition is carried on within the framework of the very laws which allow and protect our right to differ.

But we cannot depart from the basic belief in the supremacy of the rule of law. We are not—we cannot be—free to choose any expediency to further our goals. As Mr. Justice Stewart recently said in one of the demonstration cases:

"The constitutional guaranty of liberty implies the existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy."

Implicit in that statement is the motto of Law Day—"Uphold the Law—a Citizen's First Duty."

This does not mean that the lawyer cannot attempt to make new law. As you well know, our common law heritage demands that the law evolve and modify to meet the changing demands of society. It behooves a lawyer to advance his cause in the best possible manner and if, to win a case, he must create a new concept of law, well. If the Courts agree with his advocacy, he has not only carried the day but served his calling in his profession. But the method by which he accomplishes his goal is vital, for if he avoids the measured safeguards of the law to win his point now, his opposition may defeat him by the same unlawful means the next time.

Seek not therefore, merely Pyrrhic victories. Seek lasting gains even though you must compromise, mediate, conciliate. Remember that you can do more good for yourself with the man who likes you and respects you than with one who mistrusts and disbelieves you. Remember, that the man who may oppose you is also human, with all the hopes and desires, all the joys and fears, all the trouble and happiness that you have.

Above all, remember that you are an American. Reverse racism can be as damaging, in the longrun, as racism. Even as we should avoid denying a man's rights which under the law he should possess because of his race or creed, so should we avoid giving a man rights or privileges he should not otherwise have except for his race or creed. If we seek to foster the rights of Americans, it should be

because they are Americans, not because of the color of their skins.

Without respect for and obedience to the law, we can accomplish nothing but the downfall of this great nation. With respect and obedience, we can go forward toward the goals which we have set. Anarchy is too high a price to pay for any concept. The very means we use to gain a small measure of liberty by destroying the liberties of others may someday be turned on us to enslave us.

Therefore, we must seek equality and justice, but we must seek them under law, and not outside the law. We must give credence to the fact that, as lawyers and as citizens, our first duty is to uphold the law, to work within its framework and not against it, to oppose all those who would for any reason seek to deny liberty to act within the law to any man.

"Give us, O God, the strength to build
The city that hath stood too long
a dream,
Whose laws are love, where ways
are brotherhood
And where the sun that shineth is
God's grace for human good."

Leave of Absence

Senator Richter was granted leave of absence for today on account of illness in the family on motion of Senator Kazen.

Reports of Standing Committees

Senator Watson by unanimous consent submitted the following report:

Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred H. B. No. 938, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to which was referred H. B. No. 507, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

House Bill 938 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. B. No. 938 was ordered not printed.

Senate Resolution 664

Senator Parkhouse offered the following resolution:

Whereas, The Senate on yesterday put its stamp of approval on House Bill No. 12, as it was prepared by the Senate and House Conferees; and,

Whereas, The Senate Conferees on H. B. No. 12 have labored long and diligently for days and weeks to bring forth an Appropriation Bill that would provide for the ever-growing needs of this great State; and,

Whereas, This finished product shows painstaking work and efforts, a lot of give and take, thought, and foresight; and

Whereas, This bill reflects the great leadership of the distinguished Senator from Tom Green, who, with the able and loyal support of the other members of the Senate Conference Committee, was successful in producing this Bill which can be certified by the Comptroller; and

Whereas, It is felt by all members of the Senate that due recognition of the efforts of these five colleagues comprising the Senate Conference Committee should be taken; now, therefore, be it

Resolved by the Senate of the State of Texas, That its congratulations and thanks be, and they are hereby, extended to the Honorable Dorsey B. Hardeman, as Chairman of the Senate Conference Committee on H. B. 12, and to his able and loyal colleagues, the Honorable A. M. Aikin, Jr., the Honorable Martin Dies, Jr., the Honorable William T. Moore and the Honorable J. P. Word, on bringing forth an Appropriations Bill that would so adequately provide for this Great State of Texas.

The resolution was read.

(Pending discussion by Senator Parkhouse of S. R. No. 664, Senator Blanchard occupied the Chair.)

(President in the Chair.)

Question—Shall S. R. No. 664 be adopted?

Recess

On motion of Senator Aikin the Senate at 11:46 o'clock a.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Senate Resolution 664

The Senate resumed the consideration of the pending business, same being S. R. No. 664.

Question—Shall S. R. No. 664 be adopted?

On motion of Senator Parkhouse and by unanimous consent S. R. No. 664 was adopted.

Senate Bill 563 on First Reading

Senator Herring by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crumpp	Reagan
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent—Excused

Richter

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 563, A bill to be entitled

"An Act permitting certain moneys appropriated to the several Departments and Agencies for classified salaries and wages, to be used for the purpose of granting merit salary increases; establishing controls and reporting procedures to limit such expenditures; limiting the effect of this Act to the biennium ending August 31, 1967; and declaring an emergency."

To the Committee on State Departments and Institutions.

House Bill 893 on Second Reading

On motion of Senator Dies and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 893, A bill to be entitled "An Act directing the State Department of Health to establish a program combating phenylketonuria, requiring the testing of newborn children for phenylketonuria; and declaring an emergency."

The bill was read the second time.

Senator Dies offered the following Committee Amendment to the bill:

Section 2. The physician attending a newborn child, or the person attending a newborn child that was not attended by a physician; shall cause the child to be subjected to the phenylketonuria test that has been approved by the State Department of Health. Providing, however, that such test shall not be given to any child whose parents or guardian object thereto on the grounds that such tests conflict with their religious tenets or practices. Provisions of this act are mandatory with the exception above stated; however, no physician, technician, or person giving such test shall be liable or responsible because of the failure or refusal of the parent or guardian to give permission or consent to tests herein provided. The county health officer shall follow up all positive tests with the attending physician who notified such officer or with the parent of the newborn child if such notification was made by a person other than a physician. When a positive test is confirmed, the services and facilities of the State Department of Health, and those of other boards, departments, agencies, and political subdivisions of the State

cooperating with the Department in carrying out the program, shall be made available to the extent needed by the family and physician. The State Department of Health and the other departments, boards, agencies, and political subdivisions of the State cooperating with it shall, in cooperation with an attending physician, provide for the continued medical care, dietary, and other related needs of such children where necessary or desirable.

The Committee Amendment was read.

Senator Kazen offered the following substitute for the Committee Amendment:

Amend H. B. No. 893 by striking out all of Section 2 and inserting in lieu thereof the following:

"Section 2. The physician attending a newborn child, or the person attending a newborn child that was not attended by a physician, shall cause the child to be subjected to the phenylketonuria test that has been approved by the State Department of Health. Providing, however, that such test shall not be given to any child whose parents or guardian object thereto on the grounds that such tests conflict with their religious tenets or practices. Provisions of this act are mandatory with the exception above stated; however, no physician, technician, or person giving such test shall be liable or responsible because of the failure or refusal of the parent or guardian to give permission or consent to tests herein provided. The county health officer shall follow up all positive tests with the attending physician who notified such officer or with the parent of the newborn child if such notification was made by a person other than a physician. When a positive test is confirmed, the services and facilities of the State Department of Health, and those of other boards, departments, agencies, and political subdivisions of the State cooperating with the Department in carrying out the program, shall be made available to the extent needed by the family and physician. The State Department of Health and the other departments, boards, agencies, and political subdivisions of the State cooperating with it shall, in cooperation with an attending physician, provide for the continued medical care, dietary, and other related needs of

such children where necessary or desirable."

The substitute for the Committee Amendment was read and was adopted.

The Committee Amendment as substituted was then adopted.

On motion of Senator Dies and by unanimous consent the Caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 893 on Third Reading

Senator Dies moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 893 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent—Excused

Richter

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Joint Resolution 25 Postponed

On motion of Senator Reagan and by unanimous consent H. J. R. No. 25 was postponed until Wednesday, May 19, 1965.

House Joint Resolution 48 Postponed

On motion of Senator Dies and by unanimous consent H. J. R. No. 48

was postponed until Wednesday, May 19, 1965.

House Bill 60 on Second Reading

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 60, A bill to be entitled "An Act relating to the eradication of swine diseases; amending Section 22a, Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, as amended; providing a penalty; and declaring an emergency."

The bill was read second time.

Question—Shall H. B. No. 60 be passed to third reading?

(Senator Reagan in the Chair.)

House Bill 508 on Second Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 508, A bill to be entitled "An Act amending Articles 1369-1.01 through 11.01 of Vernon's Texas Civil Statutes and specifically amending Articles 1396-7.01, 7.02, 8.15 and 9.02, Chapter 162, Acts Fifty-sixth Legislature, Regular Session, 1959, so as to provide a method for the administrative forfeiture of charters of Non-Profit Corporations upon the failure of such corporations to file certain reports required to be filed by the Texas Non-Profit Corporation Act; providing for severability; providing a repealing clause; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 508 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 508 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent—Excused

Richter

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Report of Standing Committee

Senator Watson by unanimous consent submitted the following report:

Austin, Texas,
May 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to which was referred S. B. No. 563, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Senate Bill 563 Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. B. No. 563 was ordered not printed.

House Bill 130 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 130, A bill to be entitled "An Act to authorize the use of county available funds apportionment by public school districts operating and/or participating in a designated area vocational and technical school

for such operational and/or facility purposes; providing that such districts shall not be accountable for nor charged with available county funds in computations relating to eligibility for minimum Foundation School Program Funds; providing for an effective date of this Act; and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Vote

Senator Strong asked to be recorded as voting "Nay" on the passage of H. B. No. 130 to third reading.

House Bill 130 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 130 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Watson
Herring	Word
Hightower	

Nays—1

Strong

Absent—Excused

Richter

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Calhoun
Bates	Cole
Blanchard	Colson

Creighton	Moore
Crump	Parkhouse
Dies	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Rogers
Hazlewood	Schwartz
Herring	Snelson
Hightower	Spears
Kazen	Watson
Kennard	Word
Krueger	

Nays—1

Strong

Absent—Excused

Richter

House Bill 531 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 531, A bill to be entitled "An Act relating to the adoption of an interstate compact on juveniles; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 531 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 531 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent—Excused

Richter

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committee

Senator Snelson by unanimous consent submitted the following reports:

Austin, Texas,
May 10, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1015, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SNELSON, Vice-Chairman.

Austin, Texas,
May 10, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 619, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SNELSON, Vice-Chairman.

House Bill 60 on Second Reading

Then Senate resumed the consideration of the pending business, same being H. B. No. 60 on its second reading.

(Pending discussion by Senator Parkhouse of H. B. No. 60, Senator Reagan occupied the Chair.)

(President in the Chair.)

Question—Shall H. B. No. 60 be passed to third reading?

Senate Bill 276 Laid on Table

On motion of Senator Blanchard and by unanimous consent S. B. No. 276 was Laid on the Table.

Memorial Resolutions

S. R. No. 665—By Senator Watson:

Memorial resolution for Harold D. Robbins of Temple.

S. R. No. 666—By Senator Watson: Memorial resolution for A. B. Honeycutt of Mart.

S. R. No. 667—By Senator Watson: Memorial resolution for Mrs. Mary D. Norris of Waco.

S. R. No. 668—By Senator Watson: Memorial resolution for Mrs. Ernest W. Cabe, Jr., of Waco.

S. R. No. 669—By Senator Watson: Memorial resolution for Mrs. W. F. Hamner of Belton.

Welcome Resolutions

S. R. No. 663—By Senator Watson: Extending welcome to Tilly Stenkie et al.

S. R. No. 670—By Senator Word: Extending welcome to students and sponsor of the seventh and eighth grade school from the Oglesby School of Oglesby.

S. R. No. 671—By Senator Word: Extending welcome to Mr. and Mrs. Floyd Key and family.

S. R. No. 672—By Senator Dies: Extending welcome to Laura Mitchell of Saratoga and Willa D. Cove of Kountze.

S. R. No. 673—By Senator Watson: Extending welcome to Mrs. D. D. Ward et al., of Rogers.

S. R. No. 674—By Senator Herring: Extending welcome to Catholic Women's Study Club.

S. R. No. 675—By Senator Watson: Extending welcome to M. T. Rice of Midway Independent School District.

S. R. No. 676—By Senator Herring: Extending welcome to students and teacher of Seventh Grade Home Room class from University Junior High School in Austin.

Adjournment

On motion of Senator Aikin the Senate at 3:54 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

Appendix

Sent to Governor

May 12, 1965

S. B. No. 147

S. B. No. 183
S. B. No. 187
S. B. No. 200
S. B. No. 209
S. B. No. 241
S. B. No. 266
S. B. No. 388
S. B. No. 450
S. J. R. No. 26

SIXTY-FOURTH DAY

(Thursday, May 13, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Hardeman, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Senate Resolution 677

Senator Hardeman offered the following resolution:

Whereas, Today marks the anniversary of the advent upon this earth of our distinguished colleague, Honorable George Parkhouse; and

Whereas, Throughout his long tenure of public service to his community and his State, the Senator from Dallas, has demonstrated his patriotism, his ability and his desire to continue to render service for the good of the people of Texas; and

Whereas, It is the desire of his